

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DONNA K. WALLS, et al.,

Plaintiffs,

v.

GYNECARE, INC., et al.,

Defendants.

No. C 09-4067 PJH

**ORDER GRANTING MOTION  
TO TRANSFER**

Before the court is defendants' motion to transfer the above-entitled action to the U.S. District Court for the Northern District of Georgia, pursuant to 28 U.S.C. § 1404(a). Plaintiffs filed no opposition to the motion within the time required under Civil Local Rule 7-3. Having read defendants' papers and carefully considered their arguments and the relevant legal authority, and good cause appearing, the court hereby GRANTS the motion.

The court finds that defendants have established that transfer is appropriate because discovery and trial of this case in Georgia will be more convenient for the parties and witnesses, and because transfer is in the interest of justice, given the location of all the evidence in Georgia.

This is a product liability case, in which plaintiffs – citizens of Georgia – allege injuries suffered as a result of surgery performed in Georgia in May 2005. Named as defendants are Gynecare, Inc.; Ethicon, Inc.; Johnson & Johnson; and American Medical Systems, Inc.

Plaintiffs allege that Gynecare, Inc. is a California corporation, but defendants have established that Gynecare, Inc. was acquired by defendant Johnson & Johnson (a new Jersey corporation) in November 1997, and then merged out of existence and into

1 defendant Ethicon, Inc. (also a New Jersey corporation, and a wholly-owned subsidiary of  
2 Johnson & Johnson), in January 2000. American Medical Systems, Inc. is a Delaware  
3 corporation.

4 Because the events alleged in the complaint occurred in Georgia, because the  
5 parties are not located in this judicial district, and because plaintiffs have made no showing  
6 that any witnesses or evidence exists here, the court finds that the action must be  
7 transferred pursuant to 28 U.S.C. § 1404(a),

8 Accordingly, defendants' motion is GRANTED. The date for the hearing on the  
9 motion, previously noticed for December 23, 2009, is VACATED.

10  
11 **IT IS SO ORDERED.**

12 Dated: December 11, 2009



---

PHYLLIS J. HAMILTON  
United States District Judge